

JC14 Rec'd PCT/PTO 26 SEP 2005

Atty. Dkt. No. 024918-0124

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Koichi SUGITA et al.

Title: PROCESS FOR PRODUCING PLANT  
STORAGE ORGAN WITH HIGH  
PRODUCTION OF RECOMBINANT PROTEIN  
AND NOVEL RECOMBINANT PROTEIN

Appl. No.: Unassigned

Filing Date: Herewith

Examiner: Unassigned

Art Unit: Unassigned

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 CFR §1.56**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

**TIMING OF THE DISCLOSURE**

The listed documents are being submitted in compliance with 37 CFR §1.97(b), within three (3) months of the date of entry of the national stage as set forth in 37 CFR §1.491.

**RELEVANCE OF EACH DOCUMENT**

All of the documents listed on the attached PTO/SB/08 were cited as being relevant during the prosecution of the corresponding International application. Copies of the documents are not being provided since copies should have been provided directly by WIPO under an exchange program between the PTO, the EPO and the JPO. A copy of the International Search Report is attached setting forth the portion of each document considered relevant by the examiner.

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date September 26, 2005

By Michael D. Kaminski

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5490  
Facsimile: (202) 672-5399

Michael D. Kaminski  
Attorney for Applicant  
Registration No. 32,904

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO				<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  Date Submitted: September 26, 2005  (use as many sheets as necessary)				Application Number	Unassigned
				Filing Date	Herewith
				First Named Inventor	Koichi SUGITA
				Group Art Unit	Unassigned
				Examiner Name	Unassigned
Sheet	1	of	1	Attorney Docket Number	024918-0124

## U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			

## FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	A1	JP	2003-192698			07/09/2003	Corresponds to JP 5-506427	
	A2	PCT	WO 01/55213	A2	Eli Lilly and Company	08/02/2001		

## NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>6</sup>
	A3	EBINUMA, Hiroyasu et al., "Selection of marker-free transgenic plants using the isopentenyl transferase gene", PROC. NATL. ACAD. SCI., March 1997, Vol. 94, No. 6, pgs. 2117-2121.	
	A4	HORVATH, Henriette et al., "The production of recombinant proteins in transgenic barley grains", PROC. NATL. ACAD. SCI., February 2000, Vol. 97, No. 4, pgs. 1914-1919.	
	A5	PATEL, Minesh et al., "Transgenic barley expressing a fungal xylanase gene in the endosperm of the developing grains", MOLECULAR BREEDING, 2000, Vol. 6, pgs. 113-123.	
	A6	SOJIKUL, Panchapat et al., "A plant signal peptide-hepatitis B surface antigen fusion protein with enhanced stability and immunogenicity expressed in plant cells", March 2003, Vol. 100, No. 5, pgs. 2209-2214.	
	A7	SUGITA, Koichi et al., "Keitai Henka de Marker Free Kamikae Shokubutsu o Senbatsu", BIOSCIENCE & INDUSTRY, 1997, Vol. 55, No. 2, pgs. 210-212.	
	A8	XUE, G. P. et al., "Selectable marker-free transgenic barley producing a high level of cellulose (1,4-β-glucanase) in developing grains", PLANT CELL REP, July 2003, Vol. 21, No. 11, pgs. 1088-1094.	
	A9	YANG, Daichang et al., "Expression of the REB transcriptional activator in rice grains improves the yield of recombinant proteins whose genes are controlled by a Reb-responsive promoter", PROC. NATL. ACAD. SCI., September 2001, Vol. 98, No. 20, pgs. 11438-11443.	

References have not been provided.

Examiner Signature	/Anand Desai/	Date Considered	10/20/2008
--------------------	---------------	-----------------	------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.